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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,880	09/03/2002	Yoshio Goda	MAT-8189US	1394
52473	7590	09/02/2005		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER HODGE, ROBERT W	
			ART UNIT 1746	PAPER NUMBER
DATE MAILED: 09/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,880

Applicant(s)

GODA ET AL.

Examiner

Robert Hodge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9,10 and 12-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9,10 and 12-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks/Argument, filed 7/5/05, with respect to the rejection(s) of claim(s) 1-3, 16, 18, 23 and 25 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Patent Abstracts of Japan No. 08-339785 hereinafter Nishino.

2. Applicants main argument is that none of the references applied teach that "said outer periphery end of said flange portion includes a projection extending from at least one out of the surface and the back thereof". The examiner disagrees, as previously stated the Nishino reference does in fact teach the above limitation and applicant's arguments directed specifically to the Nishino reference are not commensurate with the scope of the claims. And if said limitations from applicant's arguments were added to the claim the question of new matter would be raised because there does not appear to be support in the applicant's disclosure describing the discussed difference between Nishino and the present invention. Furthermore the limitation of "a contact pressure of said first contact portion is stronger than a contact pressure of said second contact portion" is also new matter because there is no support for said limitation in applicant's specification. And said limitation in the apparatus claims is also given little to no patentable weight because it does not further limit the structure of the apparatus.

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3. Applicant's arguments, see Remarks/Argument, filed 7/5/05, with respect to the objections to the drawings have been fully considered and are persuasive. The objections to the drawings have been withdrawn.
4. The examiner acknowledges that claims 6-8 and 11 have been canceled.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation of "a contact pressure of said first contact portion is stronger than a contact pressure of said second contact portion" in claims 1, 16 and 23 is not supported by applicant's specification. The specification does support the first and second contact portions, but there is not support that the two contact portions have separate contact pressures, nor is there any implication found in the specification.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 5, 9, 10, and 12-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Abstracts of Japan No. 08-273649, hereinafter Onagawa in view of Nishino.

9. Onagawa teaches a battery with a case, positive electrode, negative electrode, electrolyte, gasket sealing plate, a filter, a cap and a valve body, wherein said cap has a convex portion and a flange portion, and said filter has a bend portion, with caulk used as a sealant, wherein the valve body covers a hole in the filter portion and the filter and cap are in electrical communication with one another (abstract, paragraph [0006] and figure 1).

10. Onagawa does not teach that a projection or a plurality thereof is/are located at the outer periphery of said flange portion or what the shape of said projection is.

11. Nishino teaches providing a protrusion of concentric circumference in an outer portion of said flange portion (figure 1, abstract and paragraphs [0007-0008]).

12. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include a protrusion in the outer periphery of the flange portion of the sealing cap as taught by Nishino in the Onagawa reference in order to improve leakage resistance of the sealed battery. It would also be obvious to a person of ordinary skill in

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the art to provide a plurality of said protrusions since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onagawa in view of Nishino as applied to claims 1-3, 5, 9, 10, and 12-29 above, and further in view of U.S. Patent No. 6,019,802 herein after Ishizuka.

14. Onagawa also teaches gas holes in the cap (abstract, paragraph [0006] and figure 1).

15. Onagawa does not teach that the battery is cylindrical in shape.

16. Ishizuka teaches that a battery case is cylindrically shaped, which would inherently have a cylindrical opening especially since it receives a cylinder (column 22, lines 34-36).

17. At the time of the invention it would have been obvious to a person of ordinary skill in the art to make the case for the battery in the Onagawa reference cylindrical as taught by Ishizuka in order to easily receive the battery cell which is rolled and to use a well-known industry standard to provide batteries that can be used in multiple applications because of the standardization.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Hodge whose telephone number is (571) 272-2097. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RWH 8-31-05

MICHAEL BARR
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Michael Barr', with a large, sweeping horizontal stroke underneath.